

[REDACTED]

UNITED STATES OF AMERICA)
)
 v.)
)
 Manning, Bradley E.)
 PFC, U.S. Army,)
 HHC, U.S. Army Garrison,)
 Joint Base Myer-Henderson Hall)
 Fort Myer, Virginia 22211)

GOVERNMENT RESPONSE TO
DEFENSE OBJECTIONS UNDER
RCM 1001(b)(4)

MajGen McKenzie / RADM Donegan

9 August 2013

(U) The United States respectfully requests the Court deny the defense objections under Rule for Courts-Martial (RCM) 1001(b)(4) because the accused's misconduct directly contributed to the matters described in the testimony of RADM Donegan and MajGen McKenzie, and is proper aggravation evidence under RCM 1001(b)(4) and the Court's ruling in Appellate Exhibit 639. This filing incorporates the defense objections provided to the Government by defense counsel on 9 August 2013.

1. (U) RADM Donegan's testimony regarding what information may have been disclosed and the potential damage that could ensue. RCM 1001(b)(4).

Answer: (U) The Government's recollection is that RADM Donegan's testimony focused on what actually was disclosed in the SIGACTs. He further elaborated that the disclosures of SIGACTs created a risk of damage or harm, which falls squarely within the Court's ruling on proper aggravation evidence.

2. (U) RADM Donegan's testimony regarding the length of time his office worked on WikiLeaks (e.g. standing up Crisis Action Team, 24 hour ops, etc.). RCM 1001(b)(4).

Answer: (U) The Government notes that the defense did not object to this testimony at the time it was received into evidence. Furthermore, this testimony is directly analogous to the testimony provided by BG(R) Carr. This testimony was proper aggravation evidence tied directly to steps taken by the USG, in this CENTCOM, to mitigate potential damaged caused by public dissemination of information given to WikiLeaks by the accused.

3. [REDACTED]

Answer: [REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

4. [Redacted]

Answer: [Redacted]

5. [Redacted]

Answer: [Redacted]

Jodean Morrow
JODEAN MORROW
CPT, JA
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on defense counsel, on 9 August 2013.

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